

Natchitoches City Council will have a pre-council meeting beginning at 5:00 p.m. and ending at 5:30 p.m. to discuss non-agenda items. The City Council meeting will begin promptly at 5:30 p.m. on the second and fourth Monday of each month and will be reserved to only items on the Agenda. The public is invited to both the pre-council meetings and council meetings with the understanding that items not on the agenda will not be discussed at the scheduled council meetings, but the public is welcome to discuss any topic at the pre-council meetings. The City Council Meetings are held at the Natchitoches Arts Center located at 716 Second Street, Natchitoches, Louisiana.

**NATCHITOCHES CITY COUNCIL MEETING
MAY 12, 2014
5:30 P.M.**

A G E N D A

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **READING AND APPROVAL OF THE MINUTES OF APRIL 28, 2014**
5. **SPECIAL GUEST: PATSY WARD HOOVER- Present Plaque To Mayor & City Council**
6. **Appeal:** Appeal by Millicint Hoffpauir requesting a review of the decision of the Planning and Zoning Commission of May 6, 2014 that denied the application for a variance of eight (8) feet of the required forty (40) foot rear yard setback to construct a building to be used as a deli business. (217 Younger Blvd.)
7. **PROCLAMATIONS:**
 - #043 Payne** Proclamation Declaring May 17, 2014 As Kids To Park Day In The City Of Natchitoches
 - #044 Stamey** Proclamation Declaring May 18, 2014 as Agnes Morris Day In Honor Of The Founder Of Lesche Club Of Natchitoches (Gilen Norwood)
8. **ORDINANCES – FINAL:**
 - #017 Mims** Ordinance To Comply With GASB Statement 54 Committing Special Revenue Fund Balances
 - #018 Nielsen** Ordinance Amending The 2013-2014 Budget To Reflect Additional Revenues And Expenditures
 - #019 Morrow** Ordinance Authorizing The Mayor Of The City Of Natchitoches To Award The Bid For The 2013 FY LCDBG Street Project (**Bid No. 0544**)

9. **ORDINANCE – INTRODUCTION:**

#020 **Stamey** Ordinance To Amend The Code Of Ordinances Of The City of Natchitoches To Provide For Article 28.1, Entitled “Stormwater” Which Will Provide For The Implementation Of A Program To Maintain And Improve The Quality Of Surface Stormwater Runoff In The City Of Natchitoches, And To Comply with All Federal And State Laws And Regulations Applicable To Stormwater Discharge, Providing For Advertising, Further Providing For Severability, And Further Providing For A Repealer And Effective Date Of Ordinance

10. **RESOLUTION:**

#045 **Mims** Resolution Authorizing Settlement With The Louisiana Department Of Environmental Quality Of A Potential Compliance Issue Under The Louisiana Environmental Quality Act And The Air Quality Regulations, And Authorizing The Mayor, Or His Designee, To Execute The Settlement Agreement And All Other Documents Which May Be Necessary And Proper In Connection Therewith; Providing For Advertising

11. **ANNOUNCEMENTS:**

- The offices of the City of Natchitoches will be **closed** on **Monday, May 26, 2014** for the Memorial Day holiday.
- The regularly scheduled City Council Meeting for **Monday, May 26, 2014** has been **changed** to **Tuesday, May 27, 2014** due to the Memorial Day holiday.

12. **ADJOURNMENT:**

NOTICE TO THE PUBLIC

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at (318) 352-2772 describing the assistance that is necessary.

If you wish to address the Council, please complete the “Request to Address City Council” form located on the entrance table

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHES, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, MAY 12, 2014 AT 5:30 P.M.**

The City Council of the City of Natchitoches met in legal and regular session at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana on Monday, May 12, 2014 at 5:30 p.m.

There were present:

Mayor Lee Posey
Councilman At Large Don Mims, Jr.
Councilman Dale Nielsen
Councilman Larry Payne
Councilman David Stamey
Councilwoman Sylvia Morrow

Guests: Patsy Ward Hoover

Absent: None

Mayor Lee Posey called the meeting to order and welcomed everyone for coming. Michael Braxton was asked to lead the invocation and Councilwoman Stamey was asked to lead the pledge of allegiance.

Mayor Posey then called for the reading and approval of the minutes for the April 28, 2014 meeting. Mr. Mims moved that we dispense with the reading of the minutes and approval of same. Seconded by Mr. Stamey. The roll call vote was as follows:

Ayes:	Payne, Nielsen, Mims, Stamey, Morrow
Nays:	None
Absent:	None
Abstain:	None

Mayor Posey stated Tina and Wayne Ragan sent a letter thanking the City employees who worked and supported the Kasey Ragan Walk/Run in March. He then introduced Patsy Ward Hoover as a special guest at tonight's meeting.

Ms. Hoover presented the City Council and Mayor with a plaque on behalf of the 8th grade students of Victory Academy of Baton Rouge. Last month the students traveled throughout the state of Louisiana and wanted to show their appreciation for the city they were impressed by the most, the City of Natchitoches. Mr. Mims and Mayor Posey accepted the plaque on behalf of the City of Natchitoches.

APPEAL – PLANNING & ZONING

Appeal by Millicint Hoffpauir requesting review of the decision of the Planning and Zoning Commission of May 6, 2014 that denied the application for a variance of eight (8) feet of the required forty (40) foot rear yard setback to construct a building to be used as a deli business. (217 Younger Blvd.)

Mrs. Juanita Fowler explained Mrs. Hoffpauir presented a request for a snow cone building to be placed on this lot. Mrs. Hoffpauir's request would require for her to ask for a variance of 8 feet because an ordinance passed on a project in 2006 that never occurred was site and project specific. The Planning and Zoning Commission reviewed the application. The decision failed for the lack of a second to the motion which was considered as a denial and that is what brings us here tonight. Mrs. Hoffpauir came to the meeting to appeal this decision to the Council. The City Council asked Mrs. Hoffpauir to present her proposal along with details of the stand. Mrs. Hoffpauir stated her stand would be seasonal, open 7 days a week, and would be willing to have more parking spaces than what is required and set a time frame on hours of operation. The City Council continued to discuss their options for approving this request. After discussion Mr. Nielsen made a motion to approve Mrs. Hoffpauir's request with the stipulations there would be 3 parking spaces and close no later than 8:00 p.m. Mr. Stamey seconded the motion and a roll call vote was recorded.

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

**NOTICE OF APPEAL
TO THE NATCHITOCHES CITY COUNCIL
OF PLANNING & ZONING COMMISSION DECISION**

TODAY'S DATE: May 8, 2014

APPEAL DATE & TIME: May 12, 2014 – 5:30 P.M.

APPEAL LOCATION: Natchitoches Arts Center, 716 Second Street, Natchitoches, LA

LEGAL DESCRIPTION: Lot 19 Block "C" of Keegan Addition

APPLICANT/OWNER: Millicint Hoffpauir

A public hearing will be held before the Natchitoches City Council on Monday, May 12, 2014 at 5:30 p.m. at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana. The purpose of the hearing is for the City Council to review a decision of the Natchitoches Planning and Zoning Commission of May 6, 2014 to deny an application by Millicint Hoffpauir for a variance of eight (8) feet of the required forty (40) foot rear yard setback to construct a building to be used as a deli business. (217 Younger Blvd.)

All interested parties will be given an opportunity to speak at the public hearing. The failure to raise an issue would preclude that issue from being used as a basis for an appeal. All issues raised must be accompanied by statements or evidence sufficient to afford the City Council and the affected party's adequate opportunity to respond to each issue. The application and file are available for review at the Planning and Zoning Department by any interested person or organization prior to the date of the hearing before the City Council.

Stacy McQueary
Clerk & Administration Assistant
P. O. Box 37, 700 Second Street
Natchitoches, LA 71458-0037
Telephone: (318) 352-2772, Fax: (318) 357-3829

Juanita Fowler
Planning & Zoning Dept.
May 7, 2014

To: Stacy McQueary

The Planning Commission met on Tuesday, May 6, 2014. The following application was considered.

Application by Millicint Hoffpauir

For a variance at the following location: Lot 19 Block "C" of Keegan (217 Younger Blvd.)

Variance requested: Variance of eight (8) feet of the required forty (40) foot rear yard setback

Reason: *To construct a building to be used as a deli business*

The application was denied.

Millicint Hoffpauir
474 Kayla Drive
Natchitoches, LA 71457

May 7, 2014

Mrs. Juanita Fowler
Director of Planning and Zonning
City of Natchitoches
P.O. Box 37
Natchitoches, LA 71458

Re: Lot 19 BLK "C" of Keegan Addition

Dear Mrs. Fowler

Please accept this as my formal request for an appeal to the Natchitoches City Council for the decision, or lack of a decision by the Natchitoches Planning and Zoning Commission at their May 6, 2014 meeting. I feel that my request for a variance of the setback required of only 8 feet off of the rear lot line is warranted. My proposed newly constructed 20 x 14 wood frame building with a shingled roof is much smaller than what has already been approved which is a 2430 sqft. building. My proposed use as a snow cone stand will be seasonal and should create less traffic than an office/retail building with 11 parking spaces. The previous variance approved was for 35 feet off of the required 40 ft. so this will move my building much further from the rear line. As required a 7" wooden privacy fence will be constructed. This lot has already been re-zoned to B-2 for construction of a 2430 sqft. retail plaza with 11 parking spaces. My proposed business will have a much smaller foot print on the site. I will provide the required one designated parking space but will also have a semi circle drive in front of the building as shown on the attached drawing. This driveway will allow for easy ingress and egress to Younger Blvd. and will allow additional parking for a few cars. Also shown on the drawing there is 51 ft. to the south of the parking space to the Walgreen property line that I can use to provide additional parking if needed. Comments were made about traffic congestion which I feel is unwarranted. My small place will not be a problem. I can not be blamed for any large delivery trucks that come to the lumber yard across the street.

Drainage issues were also raised and I seriously doubt my small 75 x 126 ft. lot will cause a problem. East Natchitoches is flat and there are drainage issues in lots of places that occur in heavy down pours. I know the city has worked and continues to work to make improvements. Property values were also addressed. A print out of a tax assessment and a MLS print out of an adjoining property are attached. You can clearly see the appreciation in value in this neighborhood to properties that are maintained. The only houses that decline in value are the ones that have been neglected .

In closing I note that Younger Blvd. Is obviously a commercial area. There is one remaining single family dwelling leaving the remainder of both sides of the street as commercial. Counting both sides of the street frontage Younger Blvd is 90% commercial. I respectfully ask that my request be approved. The privacy fence will be built and the remainder of the subdivision will have it's buffer. This property along with the entire Walgreens Development was re-zoned because a majority of the property owners voted to do so and subsequently the city council approved. My slight change of use and variance is probably a better use.

If I can give you any additional information please advise.

Sincerely,

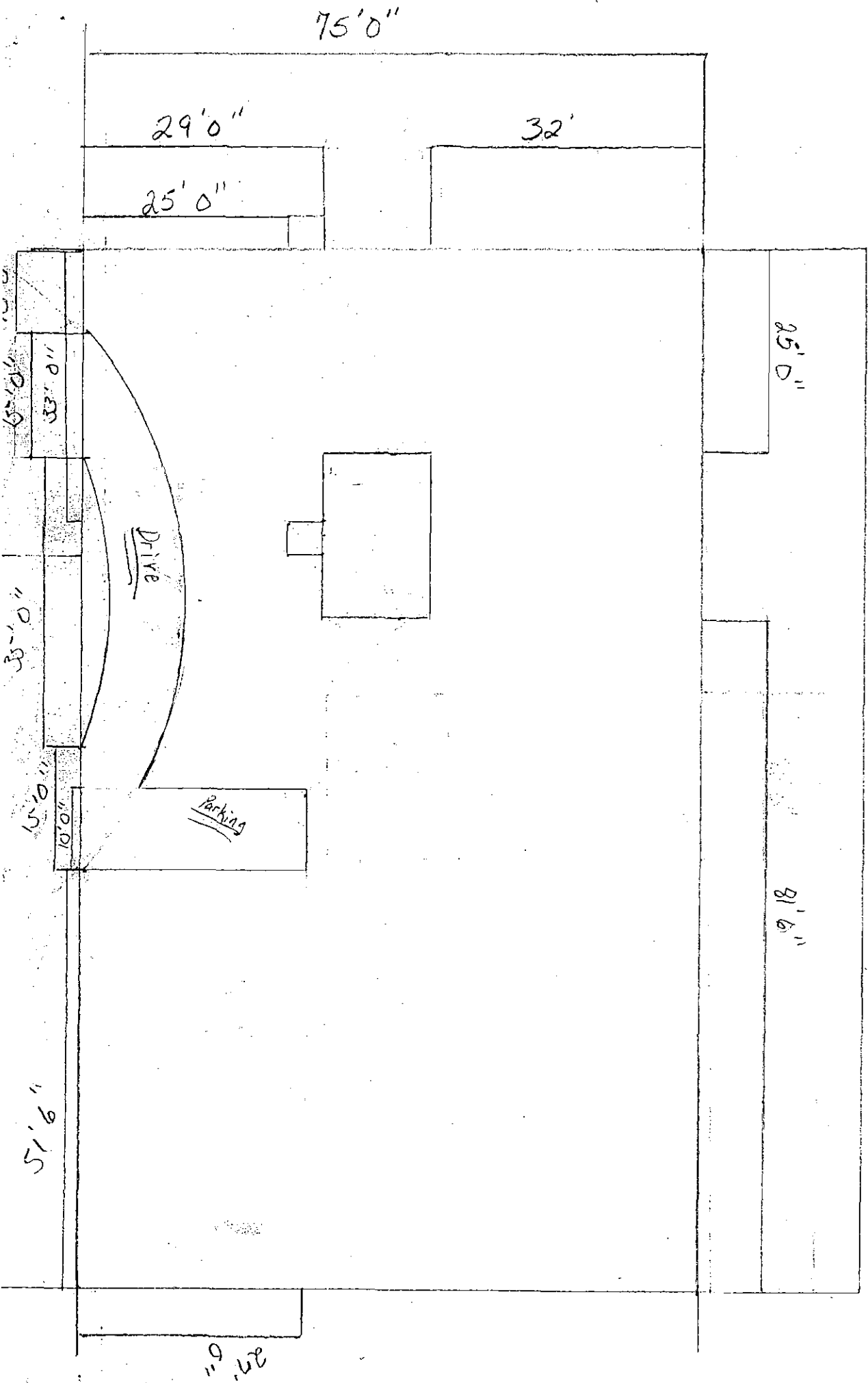
Millicent Hoffpauir

A handwritten signature in cursive script that reads "Millicent Hoffpauir". The signature is written in dark ink and is positioned below the printed name.

500 11 11 11

EXHIBIT

1266



SAINT HILDA OF WHITBY ANGLICAN CATHOLIC CHURCH

LAGRANGE, CHARLES D. & FAYE G.

220

231 233

THOMAS, GF INVESTMENTS, L.P., ET AL

BREEDLOVE, E. C. CO., INC.

238

242

244

BREEDLOVE, E. C. CO., INC.

LUCKY PROPERTIES, LLC

242

YOUNGER BLVD

KITISHIAN, ANGEL

ROQUE, FRANCIS

DENTON, JAMES D. & FAITH A.

347

345

343

KEEGAN DR

346

SUTTON, MARK K. & MARY C. METOYER, JAMES L. & MARGIE ANN, LIVING TRUS
BEECHWOOD REAL ESTATE, LLC

JPMC SPECIALTY MORTGAGE, LL

ROBERSON, CAROLY

300

COLE WG NATCHITOCHES LA DST

MCDONALD'S REAL ESTATE COMPAN

KEYSER AVE

Juanita Fowler

From: Juanita Fowler [juanita.fowler@att.net]
Sent: Thursday, April 10, 2014 9:37 PM
To: Juanita Fowler
Subject: Fw: Lot 19 Block C keegan Addition

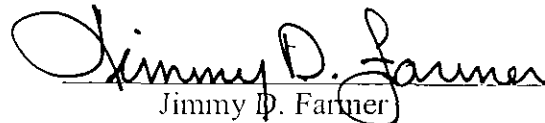
--- On Thu, 4/10/14, Mark Sutton <mksutton@cp-tel.net> wrote:

> From: Mark Sutton <mksutton@cp-tel.net>
> Subject: Lot 19 Block C keegan Addition
> To: "Juanita" <juanita.fowler@att.net>
> Date: Thursday, April 10, 2014, 2:27 PM
> Please be advised that Ms
> Hoffpauir has my permission to seek a variance waiver of 8
> feet off the rear lot line for her small building. I think
> this will be an improvement for the neighborhood. It
> is also my understanding this will not affect my rezoning
> and variance of 35 feet of the rear setback for an
> office/retail building should she not pursue her building
> and I decide to go ahead with mine. She is also aware
> that a privacy fence has to be built. Thanks Mark K. Sutton/BrokerSutton Real Estate Agency,
> Ltd.P O Box 2239Natchitoches, La. 71457318 352 6267Licensed by the Louisiana Real
> Estate Commission
>
>

The following are the property owners within 300 ft. of the following described property as listed on the current records of the Natchitoches Parish Assessor's Office.

LOT 19 BLOCK "C" OF KEEGAN ADDITION

BEAUDION, JOSEPH CHARLES - 343 KEEGAN DR., NATCHITOCHES LA 71457
BEECHWOOD REAL ESTATE, LLC - 436 MISTER ED LANE, NATCHITOCHES LA 71457
BREEDLOVE, E. C. CO., INC. - P. O. BOX 2129, NATCHITOCHES LA 71457
COLE WG NATCHITOCHES LA DST WALGREEN ATTN: TAX DEPT. - P. O. BOX 901300, WILMOT ROAD,
DEERFIELD IL 60015
CONANT, JOSEPH D. & JOYCE M. - P. O. BOX 283, NATCHITOCHES LA 71457
DENTON, JAMES D. & FAITH A. - 147 BRIDGE CREEK RD., RUSTON LA 71270
DUPREE, MICHAEL G., 246 SCARBOROUGH AVE., NATCHITOCHES LA 71457
HOLLINGSWORTH, WARREN H. C/O DIANE BLAKE - 326 GIBSON ST., NATCHITOCHES LA 71457
KITISHIAN, ANGEL - 320 KEEGAN, NATCHITOCHES LA 71457
LACOUR, MELVIN D. - 312 SCARBOROUGH AVE., NATCHITOCHES LA 71457
LAGRANGE, CHARLES D. & FAYE G. - 535 ELIZABETH ST., NATCHITOCHES LA 71457
LUCKY PROPERTIES, LLC - 196 CHINQUAPIN DR., NATCHITOCHES LA 71457
MCDONALD'S REAL ESTATE COMPANY C/O GILLEY ENTERPRISES-LOUISIANA PARTNERSHIP
455 INDUSTRIAL PARKWAY, WEST MONROE LA 71291
METOYER, JAMES L. & MARGIE ANN, LIVING TRUST - 344 KEEGAN DRIVE, NATCHITOCHES LA 71457
METOYER, LOUIS R. JR. - 113 MARTIN DR., NATCHITOCHES LA 71457
MOORE, IDA C/O JOHN BABERS - 1012 COLLINS ST., NATCHITOCHES LA 71457
ROBERSON, CAROLYN - 340 KEEGAN DR., NATCHITOCHES LA 71457
ROBERTSON, JOHN L. - 334 VIENNA BEND DR., NATCHITOCHES LA 71457
ROQUE, FRANCIS - 347 KEEGAN DRIVE, NATCHITOCHES LA 71457
SHIVERS, JOSEPH A. & BRONWYN KAYE - 341 KEEGAN DR., NATCHITOCHES LA 71457
TORRENT PROPERTIES, LLC - 113 SOUTH DR., STE 7, NATCHITOCHES LA 71457
TURNER, EMMA S., ET AL - 5950 WILLOW GLEN DR., HOUSTON TX 77033-2138
WHITE, ANNIE C., ET AL C/O ANNIE COMICK WHITE - 4600 SEQUOYAH RD., OAKLAND CA 94605


Jimmy D. Farmer

Dated, this 11th day of April, 2014.

NOTE: This is as accurate as we can determine from our records.

The following Resolution was introduced by Mr. Payne and Seconded by Mr. Nielsen as follows, to -wit:

RESOLUTION NO. 043 OF 2014

RESOLUTION PROCLAIMING MAY 17, 2014 AS KIDS TO PARK DAY IN THE CITY OF NATCHITOCHES

WHEREAS, May 17th, 2014 is the fourth Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

NOW THEREFORE, I, Lee Posey, Mayor, and the Natchitoches City Council do hereby proclaim to participate in Kids to Parks Day and encourage all residents of Natchitoches, Louisiana to make time **May 17, 2014** to take the children in their lives to a neighborhood, state or national park.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 12th day of May, 2014.



LEE POSEY, MAYOR

Mayor Posey stated his appreciation to Mr. Randy Stelly and the other members in the community involved in keeping the park on MLK Drive clean. It should not just be about us being in a statewide Cleanest City Contest, but we should strive to keep our community clean throughout the year.

The following Resolution was introduced by Mr. Stamey and Seconded by Mr. Payne as follows, to -wit:

RESOLUTION NO. 044 OF 2014

RESOLUTION PROCLAIMING MAY 18, 2014 AS AGNES MORRIS DAY IN HONOR OF THE FOUNDER OF LESCHE CLUB OF NATCHITOCHES

WHEREAS, Lesche Club of Natchitoches is an active Women's Organization within the City of Natchitoches and the City of Natchitoches Tri-Centennial Committee has proclaimed May 2014 a month to honor the extraordinary women of Natchitoches; and

WHEREAS, Lesche Club of Natchitoches was established in 1894 by Agnes Morris to promote culture, to preserve local traditions and Louisiana folklore, and to foster the spirit of altruistic effort among the members and throughout the community; and

WHEREAS, the organization has had active membership since 1894 and is considered the second oldest women's organization in the South; and

WHEREAS, members of the Lesche Club of Natchitoches have actively participated in endeavors that not only promoted literacy and the arts but the betterment of the community through involvement in the General Federation of Women's Clubs during the time period of 1900-1960; and

WHEREAS, the initial restoration of the Lemee House (1955) to the encouragement of the artistic facades in the downtown area of Natchitoches in the 60's and 70's through various competitions and other events over the 120 years of Lesche Club of Natchitoches that served to promote our City's betterment, History and the arts.

NOW, THEREFORE, I, Lee Posey, Mayor of the City of Natchitoches, do hereby proclaim **May 18, 2014** as **Agnes Morris Day** in honor of the founder of Lesche Club of Natchitoches and encourage all citizens to reflect on our colorful and rich History as well as the impact that can be made when you strive to help others through the arts.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 12th day of May, 2014.



LEE POSEY, MAYOR

Gilen Norwood, outgoing president, accepted the proclamation on behalf of the Lesche Club. She noted Agnes Morris' humble involvement in the club which she founded and the Club has been active for over 120 years. This is a great organization of humble women who want to better and educate this community.

The following Ordinance was Introduced by Mr. Mims and Seconded by Ms. Morrow as follows,
to-wit:

ORDINANCE NO. 017 OF 2014

**AN ORDINANCE TO COMPLY WITH GASB STATEMENT 54 COMMITTING SPECIAL
REVENUE FUND BALANCES**

WHEREAS, the Governmental Accounting Standards Board (GASB) requires detail regarding Special Revenue Fund balances, and

WHEREAS, the definition of a Special Revenue Fund is a fund used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes,

THEREFORE, the following Special Revenue Fund balance(s) are committed by the governing body of the City of Natchitoches to the specific purposes of each fund as detailed below:

LED SITE DEVELOPMENT FUND: To account for receipt and expenditure of funds due to Louisiana Economic Development's (LED) approval of application for site certification of acreage in industrial park.

NOW, THEREFORE, BE IT ORDAINED that the City of Natchitoches does hereby commit the above Special Revenue Fund balance(s) to the specific purposes as detailed above and as are appropriate for each fund.

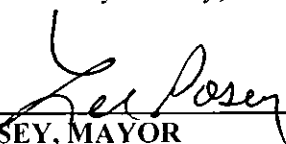
BE IT FURTHER ORDAINED that any re-classification of any of the above Special Revenue Fund balance(s) must come before the governing body of the City of Natchitoches before any such fund balance can be committed to any other purpose not specified in this Ordinance.

THIS ORDINANCE was introduced on April 28, 2014 and published in the *Natchitoches Times* on May 3, 2014.


The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 12th day of May, 2014.



LEE POSEY, MAYOR



DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 13th day of May, 2014 at 10:00 A.M.

The following Ordinance was introduced by Mr. Nielsen and seconded by Mr. Stamey as follows, to-wit:

ORDINANCE NO. 018 OF 2014

AN ORDINANCE AMENDING THE 2013-2014 BUDGET TO REFLECT ADDITIONAL REVENUES AND EXPENDITURES

WHEREAS, Louisiana Statute (R.S. 39: 1310-1311) requires that the City amend its operating budgets when fund balance is being budgeted, and there is a 5% unfavorable variance in revenues or expenditures.

NOW, THEREFORE BE IT RESOLVED, that the budget be amended to reflect these additional revenues and expenditures as follows:

	2013-14 Original Budget	Increase/ Decrease	2013-14 Amended Budget
<u>Fund 053: 911 Grant/Police</u>			
053-0000-591-20-17 Contractual Services/Computer	-	4,400	4,400
053-0000-591-26-01 Repairs & Maintenance/Vehicles	-	4,400	4,400
053-0000-591-30-06 Materials & Supplies/Uniforms	-	11,000	11,000
<u>Fund 087: Miss Merry Christmas</u>			
087-0000-475-01-00 Pageant Entry Fees	1,500	1,200	2,700
087-0000-591-35-16 Promotional/Improvement	3,650	1,400	5,050
<u>Fund 112: Keep Louisiana Beautiful</u>			
112-0000-591-30-17 Janitorial Supplies	-	1,000	1,000
<u>Fund 114: Downtown Parking</u>			
114-0000-491-71-00 Transfers/Capital Improvements	250,000	(250,000)	-
114-0000-591-20-13 Contractual Services/Construction	250,000	(250,000)	-
<u>Fund 135: Texas & Pacific Railway</u>			
135-0000-432-09-00 State Grant	198,000	(198,000)	-
135-0000-591-20-03 Contractual Services/Engineering	198,000	(198,000)	-
<u>Fund 136: East Natchitoches Bypass, Phase I</u>			
136-0000-432-09-00 State Grant	345,000	(345,000)	-
136-0000-591-20-03 Contractual Services/Engineering	345,000	(345,000)	-
<u>Fund 137: Local Government Assistance Program</u>			
137-0000-432-09-00 State Grant	-	20,560	20,560
137-0000-591-30-25 Machinery & Equipment (Non-asset)	-	20,560	20,560
<u>Fund 138: South Natchitoches Drainage Improvements</u>			
138-0000-432-09-00 State Grant	1,050,000	(1,050,000)	-
138-0000-491-71-00 Transfers/Capital Improvements	350,000	(350,000)	-
138-0000-591-20-03 Contractual Services/Engineering	140,000	(140,000)	-
138-0000-591-20-13 Contractual Services/Construction	1,260,000	(1,260,000)	-

	2013-14		2013-14
	Original	Increase/	Amended
	Budget	Decrease	Budget
<u>Fund 141: LCDBG Housing</u>			
141-0000-432-09-00 State Grant	14,455	(14,455)	-
<u>Fund 206: Knock Knock Grant</u>			
206-0000-432-09-00 State Grant	7,400	2,000	9,400
206-0000-591-10-50 Overtime	9,866	2,000	11,866

THIS ORDINANCE was introduced on April 28, 2014 and published in the *Natchitoches Times* on May 3, 2014.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Payne, Nielsen, Mims, Stamey, Morrow

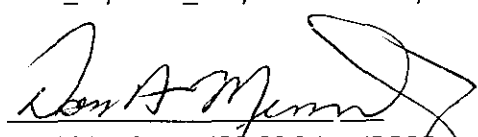
NAYS: None

ABSENT: None

ABSTAIN: None

Thereupon, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 12th day of May 2014.


LEE POSEY, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 13th day of May, 2014 at 10:00 A.M.

The following Ordinance was Introduced by Ms. Morrow and Seconded by Mr. Stamey as follows, to-wit:

ORDINANCE NO. 019 OF 2014

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF NATCHITOCHES TO AWARD
THE BID FOR THE 2013 FY LCDBG STREET PROJECT**

(BID NO. 0544)

WHEREAS, by Resolution No.019 of 2014 the Mayor was authorized to advertise for bids for the FY 2013 LCDBG Street Project (Bid No. 0544); and

WHEREAS, this bid was advertised in the Natchitoches Times on February 27th , March 6th and March 13th , 2014, in accordance with law; and

WHEREAS, two bid proposals were received and opened at a regularly scheduled City Council meeting on April 14, 2013 as follows:

- | | |
|--------------------------------|--------------|
| (1) Regional Construction, LLC | |
| Natchitoches, Louisiana | \$646,470.10 |
| (2) T. L. Construction, LLC | |
| Alexandria, Louisiana | \$739,152.95 |

WHEREAS, on April 22, 2014 the appointed committee members, of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Larry Payne, Councilman; Michael Braxton, Director of Public Works, and Randal Smoak, Engineer with Cothren, Graff, Smoak Engineering, reviewed the bids received; and

WHEREAS, the above appointed committee members unanimously recommend the City award the bid to the lowest bidder, **Regional Construction, LLC** of Natchitoches, Louisiana in the amount of \$646,470.10.

NOW, THEREFORE, BE IT RESOLVED that the Honorable Lee Posey, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

THIS ORDINANCE was introduced on April 28, 2014 and published in the *Natchitoches Times* on May 3, 2014.

The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0
Nays this 12th day of May, 2014.



LEE POSEY, MAYOR



DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 13th day of May, 2014 at 10:00 A.M.



CITY OF NATCHITOCHES
PURCHASING DEPARTMENT

April 22, 2014

**Mayor Lee Posey
City Hall
Natchitoches, LA 71457**

Dear Mayor Posey,

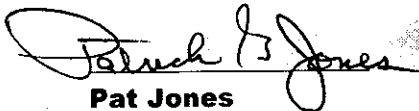
The appointed committee of Pat Jones, Edd Lee, Michael Braxton and Larry Payne, have reviewed the engineer's recommendation submitted by Mr. Randal Smoak, Professional Engineer, with Cothran, Graff, Smoak Engineering, Inc., Shreveport, LA, on Bid # 0544, for the FY 2013 LCDBG Street project.

The committee was unanimous in its decision to award the bid to the lowest bidder, Regional Construction, Inc., Natchitoches, LA, with a bid of \$616,470.10. The other bid received was from T. L. Construction, Alexandria, LA, in the amount of \$739,152.95.

All bids are kept at the City Purchasing Department, 1400 Sabine Street, Natchitoches, LA 71457. Anyone desiring to view the bids may do so at that location.

We request ratification of this award at the City Council meeting on April 28, 2014.

Sincerely,



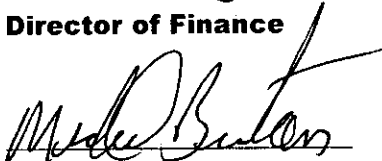
**Pat Jones
Director of Finance**



**Edd Lee
Director of Purchasing**



**Larry Payne
Councilman Dist #4**



**Michael Braxton
Director of Public Works**



COTHREN, GRAFF, SMOAK ENGINEERING, INC.

CIVIL ♦ ENVIRONMENTAL ♦ SANITARY ♦ STRUCTURAL ♦ MECHANICAL ♦ ELECTRICAL

FIRM LICENSE - LA 2636 ♦ AL 7531 ♦ TX 1754

6305 Westport Avenue ♦ Shreveport, Louisiana 71129-2499

Phone: 318-687-3732 ♦ Fax: 318-687-1049

D.B. GRAFF, P.E., P.L.S.**
K. RANDAL SMOAK, P.E.*
DAVID C. WILKINSON, P.E.

CONSULTANT
S.M. COTHREN, P.E., P.L.S.***

*Also licensed Engineer in AR, MS, TX

**Also licensed Engineer in AL, TN

***Also licensed Engineer in AR, MS

Natchitoches Office:

112 Horn Street
Natchitoches, LA 71457
Phone (318) 354-6888
Fax (318) 354-6888

April 17, 2014

Mr. Edd Lee, Director of Purchasing
City of Natchitoches
P. O. Box 37
Natchitoches, Louisiana 71458

Re: City of Natchitoches
FY 2013 LCDBG Street
Project
Bid No. 0544

Dear Edd:

We have reviewed the bids received Monday, April 14, 2014 for the referenced project and recommend that Regional Construction, Inc. be awarded the contract in the amount of \$646,470.10. Copies of the Bid Receipt and Bid Tabulation are attached for your files.

Upon the City Council's concurrence, I have enclosed four copies of the Notice of Award for signature. Please have all four signed; and return same to our office for further processing.

Should you have any questions, please do not hesitate to contact me.

Sincerely,
COTHREN, GRAFF, SMOAK ENGINEERING, INC.

K. Randal Smoak, P.E.

KRS/cw
Enclosures

CITY OF NATCHITOCHES
FY 2013 LCDBG STREET PROJECT

BID DATE: APRIL 14, 2014
BID TIME: 4:00 P.M.

LICENSE #	CONTRACTOR	AMOUNT OF BID
40486	REGIONAL CONSTRUCTION, INC. Natchitoches, Louisiana	\$ 616,470.10
	LEGACY CONSTRUCTION, INC. Natchitoches, Louisiana	\$ NO BID
35849	T. L. CONSTRUCTION Alexandria, Louisiana	\$ 739,152.95
	MERRICK CONSTRUCTION, LLC Jonesville, Louisiana	\$ NO BID

COTHREN, GRAFF, SMOAK ENGINEERING, INC.
6305 Westport Avenue, Shreveport, Louisiana 71129
318-687-3732

CITY OF NATCHITOCHES
FY 2013 LCDBG STREET PROJECT

Contractor-->											
Item No.	Description	Bid Qty.	Unit	Regional Construction Unit \$	Contract \$	T.L. Construction, LLC Unit \$	Contract \$	Unit \$	Contract \$	Unit \$	Contract \$
				\$	-	\$	-		\$		-
1	Superpave Asphaltic Concrete	3,806	SY	114.00	433,844.10	107.00	407,204.55		0.00		0.00
2	Asphalt Overlay Fabric	43,434	LS	1.50	65,151.00	2.60	112,928.40		0.00		0.00
3	Asphaltic Concrete Pavement Patch	195	LS	65.00	12,675.00	90.00	17,550.00		0.00		0.00
4	Asphaltic Concrete Pavement Leve	400	SY	105.00	42,000.00	110.00	44,000.00		0.00		0.00
5	Clean and Seal Pavement Cracks	30,000	SY	1.90	57,000.00	4.00	120,000.00		0.00		0.00
6	Aggregate Drive Aprons	40	LF	60.00	2,400.00	118.00	4,720.00		0.00		0.00
7	New Manhole Frame and Lid	20	LF	800.00	16,000.00	750.00	15,000.00		0.00		0.00
8	Adjust Manhole(For overlay) Cast I	31	EA	400.00	12,400.00	250.00	7,750.00		0.00		0.00
9	Mobilization	1	EA	5,000.00	5,000.00	10,000.00	10,000.00		0.00		0.00
							0.00		0.00		0.00
TOTAL BASE BID				\$646,470.10		\$739,152.95		\$0.00		\$0.00	

I certify this to be a true and correct tabulation of bids
received on April 14, 2014.

K. Randal Smoak
K. Randal Smoak, P.E.



NOTICE OF AWARD

TO: Regional Construction, LLC
131 Industrial Avenue
Natchitoches, LA 71457

PROJECT DESCRIPTION: CITY OF NATCHITOCHES
FY 2013 LCDBG STREET PROJECT

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated April 14, 2014.

You are hereby notified that your BID has been accepted for items in the amount of \$ 646,470.10.

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond, and Certificates of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 21st day of April, 2014.

CITY OF NATCHITOCHES
Owner

By _____
Honorable Lee Posey
Title Mayor

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by _____ this the _____ day of _____, 2014.

By _____

Title _____

NOTICE OF AWARD

TO: Regional Construction, LLC
131 Industrial Avenue
Natchitoches, LA 71457

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FY 2013 LCDBG STREET PROJECT

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Dated this 21st day of April, 2014.

CITY OF NATCHITOCHES
Owner

By _____
Honorable Lee Posey
Title Mayor

ACCEPTANCE OF NOTICE

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By _____

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Dated this 21st day of April, 2014.

CITY OF NATCHITOCHES
Owner

By _____
Honorable Lee Posey
Title Mayor

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by _____ this the _____ day of _____, 2014.

By _____

Title _____

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Natchitoches, LA 71457

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You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 21st day of April, 2014.

CITY OF NATCHITOCHES
Owner

By _____
Honorable Lee Posey
Title Mayor

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by _____ this the _____ day of _____, 2014.

By _____

Title _____

The following Ordinance was introduced by Mr. Stamey at the Natchitoches City Council meeting held on May 12, 2014 as follows:

ORDINANCE NO. 020 OF 2014

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NATCHITOCHES TO PROVIDE FOR ARTICLE 28.1, ENTITLED "STORMWATER CODE OF THE CITY OF NATCHITOCHES" WHICH WILL PROVIDE FOR THE IMPLEMENTATION OF A PROGRAM TO MAINTAIN AND IMPROVE THE QUALITY OF SURFACE STORMWATER RUNOFF IN THE CITY OF NATCHITOCHES, AND TO COMPLY WITH ALL FEDERAL AND STATE LAWS AND REGULATIONS APPLICABLE TO STORMWATER DISCHARGE, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, the City of Natchitoches desires to improve and maintain the quality of surface water and groundwater within the City of Natchitoches; and

WHEREAS FURTHER, the Louisiana Department of Environmental Quality has mandated certain requirements in order to re-issue a water permit (MS4-G) to the City of Natchitoches, including the requirement that the City adopt a Stormwater Ordinance; and

WHEREAS FURTHER, the Director of the Utility Department has recommended the adoption of a new Chapter to the Code of Ordinances, which shall be Chapter 28.1, Stormwater Code of the City of Natchitoches; and

WHEREAS FURTHER, the City Council of the City of Natchitoches has reviewed the proposed Chapter and agrees that the adoption is advisable and in the best interest of the City of Natchitoches and its citizens; and

WHEREAS FURTHER, the City Council of the City of Natchitoches, Louisiana, desires to amend and reenact the Code of Ordinances of the City of Natchitoches, Louisiana, to add Chapter 28.1 entitled "Stormwater Code of the City of Natchitoches; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, as follows:

SECTION 1. The Code of Ordinance of the City of Natchitoches is hereby amended to adopt a new Chapter 28.1, which shall read as follows:

“Chapter 28.1. Stormwater Code of the City of Natchitoches

ARTICLE I. – GENERAL PROVISIONS

Sec. 28.1 – 1 – Title.

Sec. 28.1 – 2 – Purpose.

Sec. 28.1 – 3 – Administration.

Secs. 28.1 – 4 – 28.1 – 30 – Reserved.

Sec. 28.1-1 – Title.

This chapter shall be known as the “Stormwater Code of the City of Natchitoches, Louisiana” and may be cited and referred to herein as “this chapter.”

Sec. 28.1-2 – Purpose.

The purpose and objectives of this chapter are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the City of Natchitoches;
- (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters affected by the City of Natchitoches;
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the City of Natchitoches.
- (4) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products;
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the City of Natchitoches; and
- (6) To enable the City of Natchitoches to comply with all federal and state laws and regulations applicable to stormwater discharges.

Sec. 28.1-3 – Administration.

Except as otherwise provided herein, the director of _____ (sometimes hereinafter referred to in this chapter as “director”) shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director of shall be carried out by that person and may be delegated by the director to other city personnel.

Sec. 28.1-4 – 28.1-30 – Reserved.

ARTICLE II. – ABBREVIATIONS AND DEFINITIONS

Sec. 28.1 – 31 – abbreviations.

Sec. 28.1 – 32 – Definitions.

Secs. 28.1 – 33 – 28.1 – 50 – Reserved.

Sec. 28.1 – 31. – Abbreviations.

BMP – Best management practices.
BTEX – Benzene, toluene, ethylbenzene and xylene.
CFR – Code of Federal Regulations.
CON – City of Natchitoches
EPA – U. S. Environmental Protection Agency
HHW – Household hazardous waste.
mg/l – Milligram per liter.
MS4 – Municipal separate storm sewer system.
NOI – Notice of intent.
NOT – Notice of termination.
NPDES – National pollution discharge elimination system.
ppb – Parts per billion.
PST – Petroleum storage tank.
RLA – Registered storage tank.
RPE – Registered professional engineer.
RQ – Reportable quantity.
SWPP – Stormwater pollution prevention plan.
TPH – Total petroleum hydrocarbon.
USC – United States Code.

Sec. 28.1 – 32. – Definitions.

Agricultural stormwater runoff. Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.3 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

Back washing. The rinsing and/or cleaning of cartridge or sand filters.

Best management practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff.

Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

City. City of Natchitoches, Louisiana.

City engineer. The person appointed by the mayor to the position of city engineer, or his/her duly authorized representative.

Commencement of construction. The disturbance of soils associated with clearing, grading, excavating activities or other construction activities.

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Compliance officer. The person appointed by the mayor to the position of compliance officer, or his/her duly authorized representative. The compliance officer is director of _____ or his/her duly authorized representative.

Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, waters of the state, or waters of the United States of any substance which may be deleterious to the public health and/or quality of the water.

Cosmetic cleaning. Pertaining to cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Director of _____. The person appointed by the mayor to the position of Director of _____, or his/her duly authorized representative.

Director of public works. The person appointed by the mayor to the position of director of public works, or his/her duly authorized representative.

Director of utilities. The person appointed by the mayor to the position of director of utilities, or his/her duly authorized representative.

Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

Extremely hazardous substance. Any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of least seventy (70) per cent of the site as defined in part IX of the general permit [sic].

Fire code. The "Fire Prevention and Protection" chapter of the City Code.

Fire protection water. Any water, and any substance or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Grading permit. Permit to commence grading or other land disturbance activity prior to obtaining a building permit.

Harmful quantity. The amount of any substance that will cause pollution of water in the state.

Hazardous household waste (HHW). Any material generated in a household by a consumer which, except for the exclusion provided in 40 CFR Part 261.4(b)(1), would be

classified as a hazardous waste under 40 CFR Part 302.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, production, trade or business.

Mobile commercial cosmetic cleaning. Any power washing, steam cleaning, and other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

Municipal landfill or landfill. An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4). The system of conveyances gutters, ditches, manmade channels or storm drains owned and operated by the city and designated or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

NPDES general permit for stormwater discharges associated with industrial activity or industrial general permit. The Industrial General Permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent or amendments thereto.

NPDES general permit for storm water discharges from construction sites or construction general permit. The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

NPDES permit. A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonpoint source. Any source of any discharge of a pollutant that is not a "point source".

Notice of intent (NOI). The notice of intent that is required by either the industrial general permit or the construction general permit.

Notice of termination (NOT). The notice of termination that is required by either the industrial general permit or the construction general permit.

Operator. The person or persons who, either individually or taken together, meet the following two (2) criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility or part of a facility.

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local entities.

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyances, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness of public enjoyment of the water for any lawful or reasonable purpose.

Registered landscape architect (RLA). A person who has been duly licensed and registered to practice landscape architecture.

Registered professional engineer (RPE). A person who has been duly licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in the State of Louisiana.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate stormsewer system (MS4) or the waters of the United States.

Reportable quantity (RQ). For any "hazardous substance," the quantity established and listed in Table 302; for any "extremely hazardous substances," the quantity established in 40 CFR Part 302; for any "extremely hazardous substance," the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

Rubbish. Nonputrescible solid waste, excluding ashes, that consist of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sanitary sewer or sewer. The system of pipes, conduits, and other conveyances, which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

Sewage or sanitary sewage. The domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting community and institutional activities.

State. State of Louisiana.

Storm water. Stormwater runoff, snow melt runoff, surface runoff and drainage.

Storm water discharge associated with industrial activity. The discharge from any conveyances which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one (1) of the categories of facilities listed in 40 CFR 122.26 (b)(14), and which is not excluded from EPA's definition of the same term.

Storm water pollution prevention plan (SWPPP). A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water quality standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state.

Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirement of the federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

Sec. 28.1 – 33 – 28.1 – 50. – Reserved.

ARTICLE III. – USER REQUIREMENTS

Sec. 28.1 – 51 – General Provisions.

Sec. 28.1 – 52 – Specific prohibitions and requirements.

Sec. 28.1 – 53 – Used oil regulation.

Sec. 28.1 – 54 – Swimming pool regulations.

Sec. 28.1 – 55 – Discharge from dumpster area.

Secs. 28.1 – 56 – 28.1 – 70 – Reserved.

Sec. 28.1 – 51. – General provisions.

- (a) No person shall introduce or cause to be introduced into the municipal separate stormsewer system (MS4) any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one (1) or more of the following categories of discharges:
 - 1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
 - 2) A discharge or flow resulting from the fire fighting by the fire department;
 - 3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 - 4) Agricultural water runoff;
 - 5) A discharge or flow from water line flushing, but not including a discharge

from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;

6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;

7) A discharge of flow from a diverted stream flow or natural spring;

8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);

10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;

11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;

12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container.

13) A discharge or flow from individual residential car washing;

14) A discharge or flow from a riparian habitat or wetland;

15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or

16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.

- (c) No affirmative defense shall be available under subsection (b) of this section if the discharge or flow in question has been determined by the storm water committee to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten (10) days beyond such notice. The correctness of the stormwater committee's determination that a discharge is a source of a pollutant may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 28.1 – 52. – Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section 28.1 – 51.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
- 1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - 2) Any industrial waste;
 - 3) Any hazardous waste, including hazardous household waste;
 - 4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;

- 5) Any garbage, rubbish, or yard waste;
- 6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;
- 7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
- 8) Any wastewater from commercial floor, rug, or carpet cleaning;
- 9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blow-down from a boiler;
- 10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
- 11) Any discharge from water line disinfection by super-chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- 12) Any fire protection water containing oil or hazardous substances or materials;
- 13) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- 14) Any contaminated runoff from a vehicle wrecking;
- 15) Any substance or material that will damage, block, or clog the MS4;
- 16) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
 - a. *Compliance with all state and federal standards and requirements;*
 - b. No discharge containing harmful quantity of any pollutant; and
 - c. No discharge containing more than fifty (50) parts per billion of benzene, five hundred (500) parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen (15) mg/l of total petroleum hydrocarbons (TPH).
- 17) The following non-stormwater sources may be discharged from the MS4 provided that they have not been determined by the city to be substantial sources of pollutants to the MS4. The operator must utilize best management practices to limit discharge of the following non-stormwater sources:
 - a. Any wastewater from a commercial mobile power washer or from the washing of other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - b. Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
 - c. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material.

(d) No person shall introduce or cause to be introduced into the MS4 any harmful

quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

- (e) No person shall connect a line conveying sanitary sewage, domestic, or industrial, to the MS4, or allow such a connection to continue.
- (f) No person shall cause or allow any pavement wash-water from a commercial facility to be discharged into a MS4 unless such wastewater has passed through a properly functioning and maintained, grease, oil and sand interceptor before discharging into the MS4.

Sec. 28.1 – 53. – Used oil regulation.

- (a) No person shall:
 - (1) Discharge used oil into the MS4 or a sewer, drainage system, surface water, groundwater, or water course;
 - (2) Knowingly mix or commingle used oil with solid waste that is to be disposed in a landfill or knowingly directly dispose of used oil on land or in a landfill;
 - (3) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

Sec. 28.1 – 54. – Swimming pool regulation.

- (1) Requirements for two (2) types of discharges:
 - (a) *Filter back washing:*
 - 1. Backwash water may be disposed of and filters may be rinsed on the pool/spa owner's property. This should be done in an area that will absorb the water.
 - 2. Water from back washing a pool or spa containing chlorine <1 mg/l, total suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.
 - 3. The following restrictions apply to backwash water discharges discharge activities:
 - a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
 - b. Discharge water may not cause erosion or transport sediment.
 - c. Discharges may not be drained into unpaved alleys.
 - d. Discharges may not cause an accumulation of water along the curblin gutter of a paved street.
 - e. Backwash water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system with approval from the wastewater superintendent and the city plumbing inspector.
 - (b) *Swimming pool/spa draining:*
 - 1. Water from draining a pool or spa containing chlorine <1 mg/l, total suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the

treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.

2. The following restrictions apply to swimming pool and spa discharge activities:
 - a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
 - b. Discharge water may not cause erosion or transport sediment.
 - c. Discharges may not be drained into unpaved alleys.
 - d. Discharges may not cause an accumulation of water along the curblin gutter of a paved street.
 - e. Swimming pools or spas water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system in the event there is no subsurface drainage is available. To discharge to the sanitary sewer prior approval from the wastewater superintendent and the city plumbing inspector must be obtained.

Sec. 28.1 – 55. – Discharge from dumpster area.

For all new construction of commercial facilities requiring suitable cleaning and supplies such as high pressure pumps, hot water, steam, and detergents necessary for the effective cleaning of equipment and receptacles of solid waste collection must meet the following requirements:

- (a) Liquid waste generated by cleaning operation cannot be discharged into the MS4 without a valid NPDES permit from the department of environmental quality.
- (b) Liquid waste generated by cleaning operation not meeting criteria in subsection (a) above, must be discharged to the sanitary sewer. Stormwater runoff must be prevented from entering the sanitary sewer by means approved by the City of Natchitoches.
- (c) Discharge entering the sanitary sewer must meet local discharge limits found in city ordinance. Discharges unable to meet these discharge limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer.

Sec. 28.1 – 56 – 28.1 – 70. – Reserved.

ARTICLE IV. - STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Sec. 28.1 – 71 – General requirements.

Sec. 28.1 – 72 – Site applicability.

Secs. 28.1 – 73 – 28.1 – 90 – Reserved.

Sec. 28.1 – 71. – General requirements.

The operator shall certify all state requirements have been met by signing a certification statement as part of the grading application and/or building permit application. Refer to current specific NPDES permit for site applicability and NOI requirements.

- (1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:

- (a) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - (b) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
 - (c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
 - (d) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
 - (e) Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper clean and disposal of any such spills in compliance with state, federal, and local requirements;
 - (f) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
 - (g) Timely maintenance of vegetation, erosion and sediment control measures and other best management practices in good and effective operating condition; and
 - (h) Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.
- (2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current NPDES permit) that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current NPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.
- (3) The city may require any plans and specification that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The city may deny approval of any building permit, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the city are determined not to control and reduce the discharge of

- sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
- (4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section.
 - (5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
 - (6) Based on the results of the inspections required by subsection (2), the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one (1) calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one (1) calendar day following the inspection.
 - (7) Upon final stabilization of the construction site, the owner or the duly authorized representative thereof shall submit written certification to the city that the site has been finally stabilized. The city may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the city has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 28.1 – 72. – Site applicability.

Construction activity, including clearing, grading, and excavation activities, that result in the disturbance of one (1) or more acres of total land area shall comply with the requirements of this chapter. This also applies to building construction (including residential) on lots less than one (1) acre (See appendix A for example of best management practices).

Appendix A cited above has not been set out in the Code, but is on file in the office of the city clerk.

Secs. 28.1 – 73 – 28.1 – 90. - Reserved.

ARTICLE V. – GRADING PERMIT

Sec. 28.1 – 91. – Purpose.

Sec. 28.1 – 92. – Exemptions.

Sec. 28.1 – 93. – Permitting procedures.

Sec. 28.1 – 94. – Responsibility not waived.

Sec. 28.1 – 95. – Site plan and/or conceptual grading plan requirements.

Sec. 28.1 – 96. – Plan submittal, review, and approval process for grading permits.

Sec. 28.1 – 97. – Grading permit fees.

Sec. 28.1 – 98. – Erosion and sedimentation control.

Secs. 28.1 – 99. – 28.1 – 120. – Reserved.

Sec. 28.1 – 91. – Purpose.

The purpose of this section is to regulate grading property within the incorporated area of the City of Natchitoches safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended user of a graded site is consistent with applicable city ordinances.

Sec. 28.1 – 92. – Exemptions.

The following described activities shall not require a grading permit in order to perform clearing, excavation, or related earthwork:

- (1) If building permit is obtained, no grading permit is required.
- (2) Utility or public works improvements do not require a grading permit.
- (3) Excavation in connection with a building, swimming pool, retaining wall, or other structure authorized by a valid building permit;
- (4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (5) Septic repair and/or alteration.
- (6) Cemetery graves.
- (7) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements.
- (8) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation.
- (9) Minor landscaping and sprinkler installation.

Sec. 28.1 – 93. – Permitting procedures.

Unless otherwise stated, no person(s) shall perform any clearing, excavation, or earthwork within the City of Natchitoches without first having obtained a grading permit or building permit from the planning department.

The grading permit is applicable but is not limited to the following activities:

- (1) Excavating, cutting, filling, grading, draining, or paving of lots, parcels, or other areas;
- (2) Altering, rerouting, deepening, widening obstructing, or changing in any way an existing drainage system or feature;
- (3) Development for: residential, commercial, institutional, industrial, utility or other activities;
- (4) Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff, degrade the quality of water; adversely affect any sinkhole, water course, or water body.

Sec. 28.1 – 94. – Responsibility not waived.

The grading permit exceptions listed in Section 28.1 – 92 do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/sedimentation control measures or other liability resulting from such activities.

Sec. 28.1 – 95. – Site plan and/or conceptual grading plan requirements.

- (a) An approved site sketch is required to obtain a grading permit. The site sketch shall contain in addition to such basic information as owner name and address, date, tax map and parcel number the following:
 - (1) The actual shape, location, and dimension of the lot to be built upon;
 - (2) The shape, size, and location of all existing and proposed buildings or other structures;
 - (3) The location and approximate dimension of all points of access to a public

- street or road;
- (4) The location of all driveways and entrances;
- (5) Locations of areas subject to flooding, if applicable.
- (b) An approved site plan is required to obtain a grading permit. The site plan shall contain, as a minimum, the following items or information, as applicable.
 - (1) Total land area;
 - (2) Existing and proposed topography of existing land and impervious areas shown;
 - (3) Elevations of all existing and proposed streets, alleys, utilities, sanitary and storm water sewers, and existing buildings and structures;
 - (4) All existing and proposed impervious area;
 - (5) Natural or artificial watercourses;
 - (6) Limits of floodplains, if applicable;
 - (7) All existing and proposed slopes, terraces, or retaining walls;
 - (8) All existing and proposed stormwater drainage structures or features;
 - (9) All stormwater structures/features immediately upstream and downstream of the site;
 - (10) Erosion and siltation control plans;
 - (11) Drainage calculations when required; and
 - (12) Drainage easement when required.

Sec. 28.1 – 96. – Plan submittal, review, and approval process for grading permits.

If site, drainage, grading, and erosion plans for the purpose of obtaining a grading permit are required, they shall be submitted to the planning department. They are to be submitted no less than ten (10) days prior to the intended date to begin site alterations. The issuance of all other permits is based upon approval of submitted plans.

The grading permit is valid for a period of one (1) year from the date of issue. Extensions will be considered based on circumstances.

Sec. 28.1 – 97. – Grading permit fees.

The fee for the grading permit is intended to assist the City of Natchitoches in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the city council.

The fee schedule for grading permits is as follows:

Grading/excavation/earthworks projects
 Areas less than or equal to one (1) acre \$50.00
 Areas less than one (1) acre, per additional acre \$25.00

Sec. 28.1 – 98. – Erosion and sedimentation control.

Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right-of-way, or stream.

Secs. 28.1 – 99. – 28.1 – 120. – Reserved.

ARTICLE VI. – COMPLIANCE MONITORING

Sec. 28.1 – 121. – Right of entry; inspection and sampling.

Secs. 28.1 – 122. – 28.1 – 140 – Right of entry; inspection and sampling.

The city shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the discharger is complying with all requirements of this chapter and with state or federal discharge permit, limitation, or requirements. Dischargers shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the city, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharge shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, city personnel will be permitted to enter without delay for the purpose of performing his/her responsibilities.
- (2) The city shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operation.
- (3) The city may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
- (4) The city may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the city access to the dischargers premises shall be a violation of this chapter.

Secs. 28.1 – 122 – 28.1 – 140. – Reserved.

ARTICLE VII. – PENALTIES AND ENFORCEMENT

Sec. 28.1 – 141. – Notice of noncompliance.

Sec. 28.1 – 142. – Cease and desist orders.

Sec. 28.1 – 143. – Delivery of notice.

Sec. 28.1 – 144. – Penalties.

Sec. 28.1 – 145. – Administrative appeals.

Secs. 28.1 – 146 – 28.1 – 170. – Reserved.

Sec. 28.1 – 141. – Notice of noncompliance.

The director or his designee shall deliver to the owner, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this chapter, or any other violation of this chapter a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with Section 28.1 – 143.

The notice of noncompliance shall identify the provision of this chapter which has been violated. The notice of noncompliance shall state that continued noncompliance may result in

additional enforcement actions, including the recovery of any costs incurred by the city.

The notice of noncompliance shall identify a compliance date that must be met.

Sec. 28.1 – 142. – Cease and desist orders.

The director may issue a cease and desist order. A cease and desist order shall be delivered in accordance with Section 28.1 – 143. A cease and desist order may direct the owner, contractor, and/or representative responsible for any violation of this chapter, to take any of the following action:

- (1) Immediately discontinue any prohibited discharge to the city's stormwater conveyance system.
- (2) Immediately discontinue any other violation of this chapter.
- (3) Clean up the area affected by the violation.
- (4) The director of planning and development may direct by a cease and desist order that any person immediately cease any activity which may lead to a violation of receiving water limitations.
- (5) The director of planning and development may terminate the building permit for the site.

Sec. 28.1 – 143. – Delivery of notice.

Any notice of noncompliance, cease and desist order, or other enforcement order pursuant to the requirements of this chapter shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in Section 28.1 – 145.
- (2) The notice shall state that the recipient or the property owner, or both, may be liable for all enforcement costs incurred by the city in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or deposit in the U.S. mail postage prepaid for first class delivery.

Sec. 28.1 – 144. – Penalties.

Any person violating any provision of this chapter shall be punished by a fine imposed by the director according to the following schedule:

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

Sec. 28.1 – 145. – Administrative appeals.

- (1) *Initiating an appeal.* An appeal may be initiated by filing a petition with the director once informal attempts to resolve the customer's complaint have failed. The following information shall be contained in the petition:
 - (a) The name, address, and telephone number of the interested party filing the appeal, and the name of the owner and/or customer if the appeal is being filed by an interested party other than the owner and/or customer.
 - (b) The property address and a facility contact person if different from the owner.

- (c) The decision, enforcement action, or other action being appealed and the decision of the action.
 - (d) An indication of the appellant's status as an interested party.
 - (e) A statement giving specific reason why the appellant believes the decision of the director of planning and development is incorrect or does not comply with the rules and regulations found in this chapter.
 - (f) New or different documents, drawings, plans, or other material appellant believes supports the case.
- (2) *Hearing.* The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
- (a) Issue in the name of the city council notices of hearings requested the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearings, including transcripts and other evidence, together with recommendations to the city council for action thereon.

At any hearing held pursuant to this article, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the city council has reviewed the evidence, it may issue an order to the user responsible for the violation, following a specified time period, that corrective action be completed, and/or penalties be paid. Further orders and directives as are necessary and appropriate may be issued.

A party or person aggrieved by the city council decision shall the right of judicial review of such determination in Tenth Judicial Court.

Secs. 28.1 – 146 – 28.1 – 170. – Reserved.

ARTICLE VIII. – CITIZEN PARTICIPATION AND COOPERATION WITH THE CANE RIVER WATERWAY COMMISSION

Sec. 28.1 – 171. – Cooperation with the Cane River Waterway Commission.

Sec. 28.1 – 172. Citizen reports of violations.

Secs. 28.1 – 173. – 28.1 – 190. – Reserved.

Sec. 28.1 – 171. – Cooperation with the Cane River Waterway Commission.

The City recognizes that the Cane River Waterway Commission has an interest in protecting the integrity of Cane River Lake as well as the water quality of Cane River Lake. The Cane River Waterway Commission is encouraged to report to the City any spills, releases or other discharge of pollutants into Caner River Lake. The Cane River Waterway Commission is further encouraged to report any construction or grading activities along Cane River Lake that may be in violation of this Chapter.

The Director will share information with the Cane River Waterway Commission regarding issuance of permits under this chapter as well as regarding enforcement activities and actions.

Sec. 28.1 – 172. – Citizen reports of violations.

- (1) All citizens are encouraged to report to the city any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this chapter of which they become aware.
- (2) Calls received by the first call system will be referred to the compliance officer. All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three (3) years. When necessary, complaints will be referred to the department of environmental quality, department of health and hospital, or other appropriate local, state, or federal agency.

Secs. 28.1 – 173 – 28.1 – 190. – Reserved.

ARTICLE IX. – MISCELLANEOUS PROVISIONS

Sec. 28.1 – 191. – Charges and fees.

Sec. 28.1 – 191. – Charges and fees.

Customers shall be charged a fee of two dollars and thirty cents (\$2.30) each month for reimbursement of the costs of constructing, operating, and maintaining the city's MS4 and for reimbursement of costs of implementing a "stormwater management program" as required by EPA and the state, and those other cost of implementing this chapter, which costs may include, although are not limited to, the following:

- (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
- (2) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants;
- (3) Fees for the discharges of stormwater into the city's separate storm sewer system; and
- (4) Other fees as the city may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.
- (5) The two dollar and thirty cent (\$2.30) fee for customers shall be assessed to each commercial or residential property individually for each meter. The Director of Finance may apply the fee to structures individually if multiple structures use one (1) meter. The fee is limited to one (1) assessment per structure.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

SECTION 4. This Ordinance shall go into effect upon publication and in accordance with law.

The following Resolution was introduced by Mr. Mims and Seconded by Mr. Stamey as follows, to –wit:

RESOLUTION NO. 045 OF 2014

A RESOLUTION AUTHORIZING SETTLEMENT WITH THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OF A POTENTIAL COMPLIANCE ISSUE UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT AND THE AIR QUALITY REGULATIONS, AND AUTHORIZING MAYOR, OR HIS DESIGNEE, TO EXECUTE THE SETTLEMENT AGREEMENT AND ALL OTHER DOCUMENTS WHICH MAY BE NECESSARY AND PROPER IN CONNECTION THEREWITH; PROVIDING FOR ADVERTISING

WHEREAS, the Louisiana Department of Environmental Quality (sometimes hereinafter "DEQ") issued a Notice of Potential Penalty (sometimes hereinafter "NOPP") to the City of Natchitoches (sometimes hereinafter "City") on November 23, 2009; and

WHEREAS FURTHER, the NOPP asserted non-compliance with the Louisiana Environmental Quality Act and the Air Quality Regulations at the Natchitoches Power Plant #1 located at 1100 Power Plant Road in Natchitoches, Louisiana; and

WHEREAS FURTHER, the City Council has reviewed the issues involved in the lawsuit and the settlement proposal, and has concluded that the settlement of the civil lawsuit is in the best interest of the City and its citizens;

WHEREAS FURTHER, the City has denied any violations or non-compliance; and

WHEREAS FURTHER, the DEQ has proposed a Settlement with the City wherein the City would pay a fine in the amount of \$3,000.00 and in exchange the DEQ would waive any further penalties

WHEREAS FURTHER, a copy of the proposed Settlement is attached hereto, and the City Council of the City of Natchitoches has reviewed the attached Settlement, and approves of same; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Natchitoches, Louisiana, being of the opinion that it is in the best interest of the City of Natchitoches and its citizens to approve and accept the Settlement as set forth in the attached instrument, and that the settlement is hereby approved.


BE IT FURTHER RESOLVED that Lee Posey, Mayor of the City of Natchitoches, or his designee, be and he is hereby authorized to represent the City and to sign the attached Settlement, as well as all documents, papers, or other instruments which are necessary to properly conclude this matter.

BE IT FURTHER RESOLVED that a public notice advertisement, as approved by the DEQ, be placed in the official journal of the City of Natchitoches, and that an original proof of publication affidavit be provided to the DEQ, all in accordance with the Settlement.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, Stamey, Morrow
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 12th day of May, 2014.



LEE POSEY, MAYOR

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CITY OF NATCHITOCHES

AI # 19375

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**
* **SA-AE-14-0023**
*
* **Enforcement Tracking No.**
* **AE-PP-08-0109**
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between City of Natchitoches ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a governmental entity that owns and/or operates a facility located in Natchitoches, Natchitoches Parish, Louisiana ("the Facility").

II

On November 23, 2009, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. AE-PP-08-0109, which was based upon the following findings of fact:

"On or about October 10, 2009, a file review of **NATCHITOCHES POWER PLANT #1** (the facility), owned and/or operated by **CITY OF NATCHITOCHES (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 1100 Power Plant Road

in Natchitoches, Natchitoches Parish, Louisiana. The facility currently operates under Title V Permit No. 1980-00009-V1, issued on or about July 20, 2009.

The following violations were noted during the course of the file review:

- A. Stack testing was performed on or about October 1 through October 3, 2007 on the facility's Babcock Wilcox Boiler 09-66 EQT008, (Emission Point No. 09-66). Test results indicated the Carbon Monoxide (CO) emission level was 7.40 pounds per hour (lbs/hr), which exceeded the permit limit of 6.90 lbs/hr. The failure to demonstrate compliance with the limit of the permit for emission of CO is a violation of Title V Permit No. 1980-00009-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Title V Permit No. 1980-00009-V1, issued on or about July 20, 2009, increased the CO emission limit to 8.95 lbs/hr (maximum).
- B. Stack testing was performed on or about October 1 through October 3, 2007 on the facility's Norberg Diesel Engine, 02-53 EQT001, (Emission Point No. 02-53). Test results indicated the Nitrogen Oxides (NOx) emission level was 46.65 lbs/hr, which exceeded the permit limit of 17.46 lbs/hr. The failure to demonstrate compliance with the limit of the permit for emission of NOx is a violation of Title V Permit No. 1980-00009-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Title V Permit No. 1980-00009-V1, issued on or about July 20, 2009, increased the NOx emission limit to 56.44 lbs/hr (maximum).
- C. Stack testing was performed on or about February 12 through February 14, 2008 on the facility's Norberg Diesel Engine, EQT002, (Emission Point 03-53). Test results indicated the NOx emission level was 25.09 lbs/hr, which exceeded the permit limit of 17.46 lbs/hr. The failure to demonstrate compliance with the limit of the permit for emission of NOx is a violation of Title V Permit No. 1980-00009-V0, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Title V Permit o. 1980-00009-V1, issued on or about July 20, 2009, increased the NOx emission limit to 30.36 lbs/hr (maximum)."

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or

federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00), of which One Thousand Sixty-Seven and 85/100 Dollars (\$1,067.85) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the permit record(s), the NOPP and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil

penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Natchitoches Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind

such party to its terms and conditions.

CITY OF NATCHITOCHE

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Peggy M. Hatch, Secretary

BY: _____
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

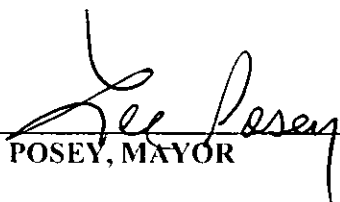
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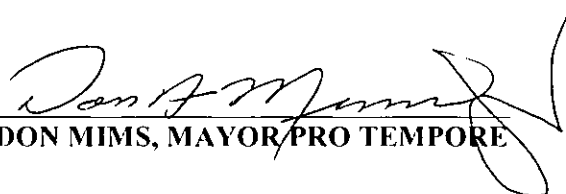
Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary

The offices of the City of Natchitoches will be closed on Monday, May 26, 2014 for the Memorial Day Holiday. Therefore the City Council Meeting for Monday, May 26, 2014 has been changed to Tuesday, May 27, 2014.

With no further discussion, the Mayor made a motion for adjournment and all were in favor.

The meeting was adjourned at 6:22 p.m.


LEE POSEY, MAYOR


DON MIMS, MAYOR PRO TEMPORE